

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

John Mark Shell,	)	
	)	C/A No. 2:11-2025-MBS
Plaintiff,	)	
	)	
vs.	)	<b>O R D E R</b>
	)	
Sheriff Davis; Major Smith, Head	)	
Administrator; Lt. Butler, Administration;	)	
Lt. Lurk, Administration; Cpt. Millaton;	)	
Greenwood County Detention Center,	)	
	)	
Defendants.	)	
_____	)	

At the time of the underlying complaint, Plaintiff John Mark Shell was a pretrial detainee at the Greenwood County Detention Center in Greenwood, South Carolina. Plaintiff, proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983 on August 3, 2011, amended August 24, 2011, alleging that Defendants provided him with towels and rags that left permanent brown dye spots on his skin after use for which Plaintiff has not received treatment. Plaintiff seeks damages “for my medical bills about my face” and injunctive relief.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i). On September 13, 2011, the Magistrate Judge issued a Report and Recommendation in which she determined that the Greenwood County Detention Center is subject to summary dismissal because it is not a “person” subject to suit under § 1983. The Magistrate Judge further determined that Plaintiff’s medical care claims are subject to summary dismissal because none of Defendants is alleged to have interfered with or delayed Plaintiff’s medical treatment. Accordingly, the Magistrate Judge recommended that

the complaint be summarily dismissed without prejudice and without service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs with the Magistrate Judge’s recommendations and incorporates the Report and Recommendation herein. Plaintiff’s complaint is **dismissed**, without prejudice and without service of process.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

October 20, 2011

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**